

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA *et al.*,

*Plaintiffs,*

v.

CVS HEALTH CORPORATION

and

AETNA INC.

*Defendants.*

Case No. 1:18-cv-02340-RJL

**PLAINTIFF STATES' SUPPLEMENTAL STATEMENT OF SUPPORT AND  
RENEWED REQUEST TO ADDRESS THE COURT**

After reviewing the evidence submitted in the Tunney Act hearing and the subsequent record in this proceeding, and in light of the upcoming hearing for oral argument, the Attorneys General of the states of California, Florida, Hawaii, Mississippi, and Washington (collectively, "Plaintiff States") file this supplemental statement. First, we advise the Court of our continued support for the position of the United States Department of Justice ("DOJ") regarding our combined Proposed Final Judgment on the merger of CVS Health Corporation ("CVS") and Aetna Inc. ("Aetna"). Second, we respectfully renew our request to address the Court for ten minutes during the hearing for oral argument set for July 17, 2019.<sup>1</sup>

As independent co-Plaintiffs who joined the Proposed Final Judgment and who have an important role in its enforcement, Plaintiff States carefully reviewed and considered the

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<sup>1</sup> DOJ and CVS have no objection to Plaintiff States' request.

testimony from the Tunney Act hearing as well as the information submitted to the Court after the hearing.<sup>2</sup> This review affirmed our belief that the horizontal aspects of the merger presented anticompetitive issues and that the proposed divestiture provides an effective and appropriate remedy for the antitrust violations alleged in the Complaint. Therefore, Plaintiff States reaffirm our support for approval of the Proposed Final Judgment by the Court as being in the public interest.

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<sup>2</sup> DOJ sought but was not given an opportunity to present or cross-examine witnesses, or make objections during witness testimony, to clarify the record and to show that the Proposed Final Judgment is in the public interest for purposes of the Tunney Act.

Dated: June 28, 2019

Respectfully submitted,

**FOR PLAINTIFF STATE OF CALIFORNIA:**

XAVIER BECERRA  
Attorney General



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A handwritten signature in cursive script, appearing to read "Lumi Nodit", is written over a horizontal line.

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## CERTIFICATE OF SERVICE

Case Name: **United States of America et al.,  
v. CVS Health Corporation and  
Aetna Inc.** No. 1:18-cv-02340-RJL

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I hereby certify that on **June 28, 2019**, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

### **PLAINTIFF STATES' SUPPLEMENTAL STATEMENT OF SUPPORT AND RENEWED REQUEST TO ADDRESS THE COURT**

I certify that parties in the case are registered CM/ECF users and that service will be accomplished via the CM/ECF system.

I declare under penalty of perjury the foregoing is true and correct and that this declaration was executed on **June 28, 2019**, at Los Angeles, California.

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Malinda Lee  
Declarant

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*/s/ Malinda Lee*  
Signature